

The following charts outline procedures for determining eligibility and amount of payment. They are divided into sections in relations to Manual Sections as follows:

Section I	Categorical Eligibility Requirements (Section 201)
Section IV	The Assistance Unit (Section 302)
Section V (Obsolete)	Property (Section 303)
Section VI	Requirement Items (Section 304)
Section VII	Income (Section 305)
Section IX	ESP/VIEW (Section 900)
Section X	Non-Cooperation with With DCSE (Section 201)

In the charts the left hand column lists each eligibility factor, with the Manual reference, and the facts which must be established in relation to each factor. The right hand column lists the acceptable methods of substantiating each fact, in the order of their acceptability, and, as applicable, methods of computation and procedures to be followed. When written statements are not specified, oral statements are acceptable, provided the source is identified and the statement quoted in the record.

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I. CATEGORICAL ELIGIBILITY REQUIREMENTS (AFDC)

A. Age (201.2)

1. Month, day, and year of birth.

2. If child obviously under 12, may be included pending age verification.

3. Age 18.

I. CATEGORICAL ELIGIBILITY REQUIREMENTS (AFDC)

A. Age

1. Documents in applicant's possession - Birth Certificate or notification of birth
Hospital or physician's record
Baptismal record

Other sources -
Physician's, school
or baptismal record
Midwife's record of
birth
Form VS95 from State
Bureau of Vital Records & Health
Statistics

2. Worker's observation.

3. If enrolled and attending full-time in secondary school or vocational/technical school must be reasonably expected to complete the program by or in month child reaches age 19. A child 18 years old is not eligible if in college, enrolled part-time or not in school at all.

Verify with the school that the child is enrolled and expected to complete the program no later than the month of his 19th birthday.

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B. Compulsory School Attendance

1. Applicable to all AU members age 5 through 17.

A child who has completed high school or a secondary equivalency program, including the GED program, is deemed in compliance with this requirement.

A child is considered in compliance during school vacations and holidays, if he was in compliance at the start of the vacation or holiday.

2. Any unit member considered in compliance is subject to exclusion from the grant.
3. Local public schools will report the name of children who are truant.
 - a. The agency may also learn of non-enrollment or non-attendance from the customer or another source than the schools.
 - b. The agency must contact the customer so that a case plan can be developed.

B. Compulsory School Attendance

1. This requirement is deemed to be met unless the agency is notified of noncompliance by a school or other source.

Verify completion of school through documents in the customer's possession or contact with the school or superintendent's office. Document record.

2. If notified of noncompliance the worker must follow the procedures below.
3. Document in the case record.

- a. Verify that the child is truant as determined by the school/school division.

- b. Notify the customer, in writing, to contact the agency to develop a plan, and inform him that failure to cooperate may result in removal of the truant child from the grant.

Allow 5 working days after the date of mailing for the client to contact the worker.

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1) If the caretaker contacts the agency by the 5th working day, and develops a plan, the child remains eligible as long as the caretaker cooperates in meeting plan requirements.

2) If the caretaker fails to contact the agency by the 5th working day, the agency must make reasonable efforts to personally contact the caretaker, e.g., by telephone, and explain the need to develop a plan and the consequence of not developing a plan.

If, after reasonable efforts, the agency is unable to contact the client, send an Advance Notice of Proposed Action advising that the child's needs will be removed from the grant if he fails to contact the agency to develop a plan to return the child to school.

3) If the caretaker fails to cooperate in developing the plan, the child is ineligible until a plan is developed.

1) Document the case record as to contact by the 5th working day and development and cooperation with the plan.

2) Document case record as to contact with caretaker and arrangements made to develop a plan.

Document case record as to efforts made to contact the caretaker.

3) Document the case record as to failure to cooperate in developing a plan and remove the child's needs.

If contacted, follow procedures for developing a plan. Reinstate the child's needs to be effective the month after the plan is developed.

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- 4) If the caretaker fails to cooperate following development of the plan, the child is ineligible until the caretaker has demonstrated her cooperation.

The child's failure or refusal to cooperate is considered non-cooperation by the caretaker.

- 5) At the point the agency is contacted, the agency and caretaker must develop a case plan following the agency model.

- 4) Document the case record as to failure to cooperate and remove the child's needs. Reinstate the child's needs effective the month after the caretaker demonstrates her cooperation, i.e., complete an activity or event required by the plan.

- 5) The plan must include the information below.

Note: A copy of the plan must be given to the caretaker and a copy filed in the case record.

- (a) The reason for non-attendance;
- (b) How long the caretaker/-relative has to achieve compliance, allowing for school vacation periods and holidays;
- (c) What must be accomplished, by what date, and how and by whom the actions and/or activities will be monitored; and
- (d) What performance is required by the completion of the plan, i.e., enrollment and/or achieved level of attendance or other action mutually determined by the customer, agency worker, and school.

4. When a child attends private, denominational, or parochial school, the local agency must arrange with the school to receive notification when the child is truant as defined in [201.3.A.](#)

4. Follow procedures applicable when notification is received from a public school.

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| <p>5. A child not enrolled in a public, private, denominational, or parochial school for one of the following reasons is in compliance with school attendance laws and therefore, eligible.</p> <p>a. Home schooled by a parent;</p> <p>b. Tutored by someone who may not be the parent;</p> <p>c. Excused from attendance for religious, health, or safety reasons; or</p> <p>d. Is age 5 and will not have reached his 6th birthday on or before September 30 of the school year, and the caretaker chooses to delay his attendance for a year.</p> <p>6. If the agency learns that a child is not enrolled or attending school due to one of the following reasons, the child's eligibility must be determined as specified below.</p> <p>a. Suspension, expulsion, or house arrest.</p> <p>1) Determine when this situation is expected to end.</p> | <p>5. Verify through the local school superintendent's office that the child meets one of these exemptions and document the case record accordingly.</p> <p>6. Verify the child's circumstances and follow procedures to develop a plan to achieve compliance.</p> <p>a. Verify suspension or expulsion through the school or superintendent's office. Verify house arrest through correctional institution or court records.</p> <p>1) Document the record as to the anticipated end date.</p> |
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| 2) The agency, in consultation with school staff, must explore alternative programs available in which the child can enroll while suspended, expelled, or house arrest, and establish a plan. | 2) Complete the plan and send a copy to the caretaker. The child continues to be eligible provided the caretaker cooperates with the plan. |
| 3) If no alternate program can be located in the community the child is not to be sanctioned even though he is not in school. | 3) Document case record to substantiate the absence of a school program in which the child can enroll. |
| b. Child not enrolled due to determination by the local school board that the child cannot benefit from education at school. | b. Follow same procedures as in 6.a. |
| c. Never enrolled. | c. Verify through the school or superintendent's office. Establish a plan for compliance. |
| 7. If a child has been convicted by a court of a violation of compulsory school attendance laws, the child is ineligible and must be removed from the grant. | 7. Verify through court records and document case record. Remove the child from the grant effective the following month, if administratively possible. |
| When notified that the child is again attending school, the agency must verify that he is no longer truant. | Verify through the school and document the case record that the child is enrolled and is no longer considered truant by the school. |

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8. If an applicant is truant:
 - a. Send written notice per [201.3.C](#).
 - b. Allow the applicant the opportunity to comply during the **30**-day application processing period.
 - c. If the child is enrolled or applicant is cooperating in establishing a plan, the child meets this requirement.

8. Document the case record regarding written notification sent and whether the requirement is met prior to case approval.

Facts to be EstablishedSubstantiation and ProceduresC. Deprivation of Parental
Support or Care (201.4)

Repealed effective July 1, 1999

D. Living Arrangements (201.5)

1. Relationship to caretaker-
relative
**Caretaker and dependent
child must be related
by blood, marriage or
adoption.**

D. Living Arrangements

1. Relationship to caretaker-relative
Documents in applicant's possession:
Birth certificate
Hospital certificate
Adoption papers
Baptismal certificate

Other documents:
Hospital or physician's
record
Court record of adoption
Church record
Bureau of Vital Records and
Health Statistics
Marriage records
Court support and/or
divorce orders which
clearly identify the
relationship of the care-
taker/relative to the
children

Documents must be adequate to trace relationship completely, except that, if the applicant is the mother and has some type of birth verification, initial eligibility can be established.

If other documents are not available, a notarized statement by an individual, other than the applicant/recipient, who has sufficient knowledge to attest to the relationship is acceptable.

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If caretaker-relative is father not married to child's mother or relative of such father, evidence of paternity is required.

Court record establishing paternity.
Court order stating child is residing with paternal or maternal relative.

Written notarized statement of paternity. **Birth Certificate from any state where father's name is included.**

Note: Once evidence of paternity has been determined, the worker must verify the relationship between the caretaker-relative and the father. The case record must be documented regarding how the child is related to the caretaker, denoting the verification methods used to make the determination.

2. Living in Home

- a. Child's presence in home
- b. Relative exercising care and control

2. Living in Home

a. and b. The primary source of verification for children who attend school, including nursery schools, pre-schools, or day care centers is the school record which shows address and relative's name. Hospital or physician's record, court or public agency record, contact with public housing, or landlord are secondary sources for children attending school. For pre-school age children (those children who are not in nursery school, preschool, day care, etc.), the client's declaration of the children living with her will be accepted, unless the worker has reason to question the accuracy of the client's statement. The case record must be documented to reflect verification/declaration obtained.

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If unable to obtain verification from any source listed above, the case record must be documented to reflect all attempts made to secure verification from a primary/-secondary source. The case record must also contain documentation of evidence the worker obtained which substantiates the child's presence in the home.

When the verification conflicts with the applicant/recipient statement, present the verified information to the applicant/recipient. If he/she still maintains his/her statement, the agency must accept other evidence provided which establishes the presence of the child in the home.

E. Citizenship and Alienage (201.7)

All applicants/recipients must sign, or have signed on their behalf, a statement declaring their citizenship or alien status.

1. Citizenship

- a. If born in U. S. or any of its territories (Puerto Rico, Guam, the U.S. Virgin Islands, or the Northern Mariana Islands).

E. Citizenship and Alienage

The "Application for Benefits" or "Eligibility Review - Part A" form must be signed by, or on behalf of, all individuals in the assistance unit.

1. Citizenship

- a. Verify for child by birth record showing place of birth or by U. S. Passport. If such documents are not

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currently available and child is obviously under 12, a signed statement of applicant/recipient or other individual having knowledge of the fact, attesting to the place of birth, if in the U. S., is acceptable substantiation of U. S. citizenship unless there is reason to question.

If the caretaker, EWB, or other adult AU member is born in the U.S. according to signed statement of applicant/recipient, citizenship is presumed established unless there is reason to question.

b. If born outside U. S.

b. Certificate of derivative citizenship, naturalization papers, document issued by a U. S. Embassy or Consulate attesting that child or caretaker is a U.S. citizen born abroad. If such documents are not available, must verify citizenship through the nearest U.S. **Citizenship and Immigration Services**. Requests for verifications should be done by mail if possible, "Attn: Immigration Status Verifier." Offices in Virginia are:

U.S. Citizenship and Immigration Services
Norfolk Commerce Park
5280 Henneman Drive
Norfolk, VA 23513

Telephone: (757) 858-6183

U.S. Citizenship and Immigration Services
4420 N. Fairfax Drive
Arlington, VA 22203

Telephone: (703) 235-4026

Facts to be EstablishedSubstantiation and Procedures2. Alienage

At application and when adding persons to the AU, an individual who is an alien must present immigration documentation to verify alien status.

If the alien presents expired documents or has no documentation, i.e., claims documents were lost or stolen, refer him/her to the local **USCIS** office to request new documents before primary or secondary SAVE procedures are initiated.

Documentation provided by the alien must be submitted for re-verification through SAVE. Initiate SAVE verification prior to action to approve the case or add an individual.

a. The following groups of aliens are qualified aliens. All qualified aliens who entered the U. S. prior to 8/22/96 are eligible aliens.

(1) Aliens lawfully admitted for permanent residence under the Immigration and Nationality Act (INA) (without regard to the number of SSA qualifying quarters of work the alien has).

3. Alienage

Examine document(s) in the client's possession and determine if the individual meets one of the statuses below. If a **USCIS** receipt for a replacement document was used to verify qualified alien status, follow-up at the first redetermination to obtain a copy of the replacement document.

A copy of the **USCIS** document(s) should be filed in the case record.

Note: An identification card issued by another country is not an INS document and cannot be used to verify immigration status; e.g., a Mexican Consular card.

Document verification of alien status received through SAVE. If not received prior to action to approve/add the individual, document the date SAVE verification was requested by the EW.

a. The documents listed below for each alien group are not necessarily all inclusive. An alien may have other documents showing his alien status to be one of those listed for qualified aliens.

(1) Alien Registration Receipt Card (Form I-151 or AR3a or I-551), or unexpired temporary I-551 stamp on foreign passport or on I-94.

If the LPR is an American Indian born in Canada and covered by Section 289 of the INA: I-551 with the code "S13"; or a letter or other tribal document certifying at least 50% American Indian blood, combined with a birth certificate or other evidence of birth in Canada.

Note: Form I-151, Form AR-3, and AR3a are earlier versions of the I-551. If the

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alien has only the older version, refer him to **USCIS** to apply for the I-551.

(2) Aliens granted asylum under Section 208 of the INA.

(2) Arrival Departure Record (I-94) with stamp showing grant of asylum under Section 208 of the INA; or Employment Authorization Card (I-688B) bearing "Provision of Law" citation 274a.12(a)(5); or (Employment Authorization Document (I-766) annotated "A5"; or Grant letter from the Asylum Office of **USCIS**; or Order of an immigration judge granting asylum.

(3) Refugees **who are:**

(3) **Verify as follows:**

(a) admitted under (I-94) Section 207 of the INA,

(a) Arrival Departure Record (I-94) annotated with stamp showing admission under Section 207 of the INA; or Employment Authorization Card (I-688B) bearing "Provision of Law" citation 274.a12(a)(3) or (4); Employment Authorization Document (I-766) annotated "A3"; or Refugee Travel Document (I-571); or

(b) admitted as an Amerasian immigrant; **or**

(b) an I-94 coded AM1, AM2, or AM3; or an I-551 coded AM6, AM7, or a temporary I-551 stamp in foreign passport; **or**

(c) victims of human trafficking.

(c) **letter from the Office of Refugee Resettlement that certifies or documents the status. The entry date is the certification date of the letter.**

(4) Aliens paroled into the U. S. under Section 212(d)(5) of the INA for at least one year.

(4) Arrival Departure Record (I-94) with stamp showing admission for at least one year under Section 212(d)(5). (Alien cannot aggregate periods of admission for less than one year to meet the one-year requirement.)

(5) Aliens admitted as conditional entrants under Section 203(a)(7) of the INA.

(5) Arrival Departure Record (I-94) with stamp showing admission under Section 203(a)(7) of the INA; or Employment Authorization Card (I-688B) annotated "274a.12(a)(3)"; or Employment Authorization Document (I-766) annotated "A3."

(6) Aliens whose deportation has been withheld under Section 241(b)(3) or 243(h) of the INA.

(6) Employment Authorization Card (I-688B) annotated "274.a12(a)(10)"; or Employment Authorization Document (I-766) annotated "A10"; or Immigration Judge's Order showing deportation withheld under section 243(h) of the INA, or removal withheld under section 241(b)(3) of the INA.

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(7) An alien who is a Cuban-Haitian entrant as defined in section 501(e) of the Refugee Education Assistance Act of 1980. A Cuban-Haitian entrant is a person who:

(a) has been granted parole by **USCIS** for humanitarian or public interest reasons, unless a final order of deportation or exclusion has been Issued;

(b) has an application for asylum pending with **USCIS**, unless a final order of deportation or exclusion has been issued;

(c) is subject to **USCIS** exclusion or deportation proceedings, unless a final order of deportation or exclusion has been issued.

(8) An alien and/or alien parent of a child battered or subjected to extreme cruelty and/or alien children of a parent who is battered or subjected to extreme cruelty while in the U.S. who meets the following requirements:

(a) The perpetrator is a spouse, parent, or other household member of the spouse or parent's family who was residing in the home at the time of the incident but is no longer in the home. The alien must not now be residing in the same household as the person responsible for the battery or extreme cruelty, and

(1) the alien was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien, and the spouse or parent consented to or acquiesced in such battery or cruelty;

(7) Alien Registration Receipt Card (I-551) with the code CU6, CU7, or CH6; or an unexpired temporary I-551 stamp in foreign passport or on an I-94 with the code CU6 or CU7; or an I-94 with stamp showing parole as "Cuba/Haitian Entrant" under section 212(d)(5) of the INA.

Document that an alien is subject to exclusion or deportation using letters or notices which indicate ongoing exclusion or deportation proceedings for that person. Contact **USCIS** if information indicates that a final order or exclusion or deportation has been issued.

(8) Document using information from the applicant/recipient and other sources knowledgeable of the situation.

Document decision of the local agency that there is a substantial connection between the battery or cruelty and the need for benefits.

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(2) the alien's child was battered or subjected to extreme cruelty while in the U.S. by a spouse or a parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse or parent's family residing in the same household as the alien, and the spouse or parent consented or acquiesced to such battery or cruelty and the alien did not actively participate in the battery or cruelty, or

(3) the alien child resides in the same household as a parent who has been battered or subjected to extreme cruelty while in the U.S. by that parent's spouse, or by a member of the spouse's family residing in the same household as the parent and the spouse consented or acquiesced to the battery or cruelty.

(b) The alien has a petition approved by or pending with **USCIS** for one of the following:

(1) status as an immediate relative (spouse or child) of a U.S. citizen;

(2) classification changed to immigrant;

(3) status as the spouse or child of a lawfully admitted permanent alien (LAPR); or

(4) suspension of deportation and adjustment to LAPR status based on battery or extreme cruelty by a spouse or parent who is a U.S. citizen or LAPR alien.

b. If a qualified alien entered the U. S. on or after 8/22/96, he must also meet one of the following requirements.

(1) The alien was admitted as a refugee under Section 207 of the INA, or is an Amerasian immigrant (even though status may now be adjusted to LPR).

(b) Examine documents provided by the applicant/recipient to determine if this requirement is met. Document case record.

b. Document qualified alien status is met in a. above, and whether the alien meets any of the requirements below. If none of these requirements are met, the alien is ineligible for five years from his date of entry into the U. S.

(1) Document same as (3) above; or if now an LPR, verify admission as a refugee by code RE-6, RE-7, RE-8, or RE-9 on alien's I-551.

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(2) The alien was granted asylum under Section 208 of the INA.

(2) Document same as (2) above; or if now an LPR, verify alien was previously granted asylum by filing a G-845 and Supplement along with a copy of the alien's I-551.

(3) The alien's deportation is being withheld under Section 241(b)(3) or 243(h) of the INA.

(3) Document same as (6) above; or if now an LPR, verify previous deportation or removal withheld by filing a G-845 and Supplement along with a copy of the alien's I-551.

(4) The alien is a Cuban-Haitian entrant.

(4) Document same as (7) above.

c. Exception for Veterans/Relatives of Veterans - An alien who is lawfully residing in the state and meets one of the following criteria is an eligible alien for TANF purposes, regardless of his date of entry, provided he is:

c. Document lawful alien status (status must be other than illegal).

(1) a qualified alien who is a veteran (as described in Section A.2.d.1)) discharged honorably and not because of alienage, or

(1) Verify qualified alien status according to Section F.2 above. Verify 201.7 military status using documents in applicant/recipient's possession or through military records (i.e., Form DD 214).

(a) Document active duty in the Army, Navy, Air Force, Marine Corps, or Coast Guard.

(b) If DD 214 shows original enlistment before 9/7/80, there is no minimum active-duty service requirement. If the DD 214 shows two or more years of continuous active duty, the alien meets the minimum active-duty service

(c) Document "Honorable" discharge. "Under Honorable Conditions" is not acceptable for purposes of this requirement.

(d) Refer aliens in any other branch of service or with any other type of duty (e.g., "Active Duty for Training") to the VA office to determine veteran status, or DD 214 is not available or shows active duty service of less than two years with original enlistment after 9/7/80.

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- (2) a qualified alien who is on active duty (except for training) in the U. S. Armed Forces (Army, Navy, Air Force, Marine Corps, or Coast Guard), or
- (e) If alien has no papers showing service or discharge, refer him to the local VA regional office to determine his status.
- (2) Verify qualified alien status according to Section F.2 above. Verify military status using documents in applicant/recipient's possession or through military records (e.g., Military ID (DD 2 (Active))).
- (a) DD 2 must show an expiration date of more than one year from the date of determination.
- (b) If the DD 2 is due to expire within one year from date of determination, verify active duty through a copy of the current military orders.
- (c) If the military orders are not available, verify active duty by contacting:
- DEERS Support Office
Attn: Research and Analysis
400 Gigling Road
Seaside, CA 93955-6771
Fax Number: (408) 655-8317
- (3) the spouse or unmarried dependent child of an individual in (1) or (2) above (as described in Section 201.7 A.2.d.3))
- (3) In addition to verification of veteran or active duty status of alien in service as stated in (1) and (2) above, verify relationship to the alien in military service. Qualified alien status not required.
- Document dependent status of a child by possession of a Military ID card and that the child is under age 18, or if a full-time student is under age 22.
- (4) the unremarried surviving spouse of an individual in (1) or (2) above (as described in Section 201.7 A.2.d.3)).
- (4) Verify according to procedures in (1) or (2) above, as appropriate, that the deceased spouse was a veteran or active duty military member.
- (a) Determine that applicant/-recipient was married to the veteran or active duty alien within 15 years after the termination of the period of service in which the injury or disease causing his death was incurred/aggravated;
- (a) Accept applicant/recipient's statement unless there is reason to question.

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(b) Determine that applicant/-recipient was married to the veteran or active-duty personnel for one year or more; or

(c) Determine that a child was born of the relationship between the surviving spouse and veteran or active-duty personnel, either during or before the marriage.

d. Sponsor Deeming

(1) Determine if sponsor is individual or agency/organization.

a) Sponsored by individual.

b) Sponsored by agency/organization.

(b) Accept applicant/recipient's statement unless there is reason to question.

(c) Verify through records in applicant/-recipient's possession or through the state vital records office.

d. Sponsor Deeming

(a) Deem income and resources according to Section 305.4.D.

(b) Alien ineligible unless agency/organization no longer exists or financially unable to support. Verify ability to support by written or verbal statement from agency/organization. Document agency/organization's existence based on agency knowledge.

(Exception: Refugees, parolees, political asylees, Cuban/Haitians and Amerasians are not affected by this provision.)

Facts to be Established

G. Each applicant/recipient is required to provide an SSN or show proof of application for an SSN for each person for whom assistance is requested. A verified SSN is not required prior to approval of application

If an applicant/recipient cannot furnish an SSN nor show proof of application for an SSN on each person for whom assistance is requested, **the applicant/recipient must be** referred to the Social Security District Office.

Substantiation and Procedures

Client's statement is acceptable for a Social Security number.

To show proof of application for an SSN, client must provide a statement **from SSA office, or if the individual** was enumerated at birth, one of the following proofs must be shown: 1) a completed SSA-2853; 2) a birth certificate showing the individual was enumerated at birth; or 3) a written statement from the hospital indicating a request for a SSN has been made. This statement must include the name and address of the hospital, name of the parent and newborn, and must be dated and signed by hospital staff providing the information.

The SSN verification report is also acceptable verification of a client's SSN. Upon receipt of SSN verification, enter number/ numbers on all appropriate documents. Document case record if proof of application for a SSN is provided.

The agency will direct the assistance unit to submit form SS5 Application for a Social Security Number to the Social Security Administration (SSA). The agency must advise the assistance unit where to file the application for an SSN and discuss what evidence will be needed to obtain an SSN. Evidence needed includes a U.S. public record of birth established before age five or other verification of birth, such as religious records whose validity is not questionable or hospital records if they can be verified by SSA.

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Adding persons to Assistance Unit -
This condition must be met prior
to adding the individual to the
A.U., with one exception:

Same as above.

Newborn children shall be added
to the assistance unit. The recipient
must furnish an SSN or show proof
of application for an SSN for
the newborn child. **If the assistance
unit is unable to provide an SSN
or proof of application for an SSN
when the child is first added to
the case, the assistance unit must
provide the number or proof of
application at the next renewal
or within six months of the application
date whichever is later.**

Worker should explain the condition
and the time frame involved to the
recipient.

SSNs will be matched via the Income
and Eligibility Verification System
(IEVS) with the SSN Record System
at SSA for verification.

The worker must ensure the client
information in **ADAPT** is correct. If
a no match report is generated by
IEVS, the worker must obtain the cor-
rect information for **ADAPT** or refer
the client to SSA to correct the
information.

Facts to be EstablishedSubstantiation and ProceduresIV. ASSISTANCE UNIT

A. Children - Include all blood-related or adoptive siblings of the child for whom assistance is requested except when:

1. Child receives SSI.
2. Child age 16 and not otherwise exempt, has been sanctioned for failure to comply with ESP requirements.
3. Child receives an adoption assistance maintenance payment and adding that child to the assistance unit and counting the maintenance payment reduces the AFDC benefit.
4. Child receives foster care maintenance payment.
5. **Child is subject to the family cap provision.**

IV. ASSISTANCE UNIT

A. Those children who meet the categorical requirements and conditions of eligibility in Section 201.1 A. and B.

1. Verified by agency knowledge.
Omit child entirely from A.U.
2. The child is to be removed from the A.U. when a sanction notice is received thus reducing the number of persons in the A.U. by one. If the child is the only dependent child in the family, eligibility continues to exist for the remaining member(s) of the unit.
3. Verified by agency knowledge.
Omit child entirely from A.U.
4. Verified by agency knowledge.
Omit child entirely from A.U.

Facts to be EstablishedSubstantiation and Procedures

B. Caretaker

1. If parent, (including a minor parent) include unless:

a. Receiving SSI and/or Auxiliary Grant.

b. Parent is not (a) a U. S. citizen or (2) an eligible alien as defined in Section 201.7 A.2.

B. Caretaker

1. Parent (this means both parents if they are in the home).

a. Verified by agency knowledge.
Omit parent entirely from A.U.

b. If born in U. S. according to signed statement of applicant/recipient, citizenship is presumed established unless there is reason to question.

If born outside U. S., verify citizenship or alienage as specified in Section I F.1.b. or 2.

If citizenship or alienage is not established, omit parent from A.U.

Facts to be EstablishedSubstantiation and Procedures

c. Under ESP, the non-exempt parent who has been sanctioned for failure to comply with ESP requirements.

d. Parent refuses to assist agency in establishing paternity or seeking child support.

e. Convicted offender sentenced to live at home and perform unpaid

c. The non-exempt parent who is sanctioned is ineligible for inclusion in the A.U. However, assistance is to be given to the otherwise eligible family members.

d. Decision to omit or remove parent on this basis must be carefully made. Agency must be certain parent is refusing to assist rather than simply unable to assist. Basis for making decision to omit or remove must be documented in case record.

e. Include as EWB, only if providing an essential service (302.5) and if not ineligible per Section 302.6.F.

Note: The parent shall be included in the assistance unit even though the only eligible child is a SSI recipient, the only eligible child receives an Adoption Assistance payment, **or the only eligible child receives a foster care maintenance payment.**

Facts to be EstablishedSubstantiation and Procedures2. Caretaker if not parentInclude if:

- a. he/she requests assistance;
and
- b. is not receiving SSI and/or
AG; and
- c. is in need
- d. is a citizen of the U. S.
or an eligible alien as
defined in Section 201.7 A.2.

Do not include if:

- e. needs met by spouse in home.

2. Caretaker not parent

- a. Client's statement or
- b. Agency knowledge.
- c. Verify income by methods
described in Section VII.
If net income (gross, less
work expenses) equals
allowable individual
requirements, caretaker
cannot be included.
- d. Verify as for parent-caretaker
(Section IV B.1.b.)
- e. If caretaker states spouse
living in home cannot
support, must determine net
income (gross, less work
expenses) of spouse (unless
spouse is SSI or AG
recipient). Determine his
ability to support his wife
(**TANF** caretaker) through
use of the full (100%)
standard of assistance
based on the number of
persons he is primarily
responsible for supporting
(himself, his wife and
their dependent children,
if any) and appropriate to
the locality group. If his
net income equals or
exceeds the full standard,
his wife (**TANF** caretaker)
cannot be included in the
AU. If his net income is
less than the full
standard, the caretaker is
included in the AU.
Support available from the
spouse is established by
comparing his net income to
the full standard of assis-
tance for the number of his

Facts to be EstablishedSubstantiation and Procedures

dependents, exclusive of the ADC caretaker. Any surplus is counted as income to the caretaker. If surplus is sufficient to meet caretaker's total allowable individual need (304.2) she cannot be included in the assistance unit.

f. Under the ESP Program, the nonexempt caretaker-relative has been sanctioned for failure to comply with program requirements.

f. Same as for parent-caretaker.

g. Refuses to assist in determining paternity or securing child support.

g. Same as for parent-caretaker.

NOTE: The caretaker/relative shall be included in the assistance unit even though the only eligible child is a SSI recipient.

C. EWB PERSONS

C. EWB PERSONS

Include if -

1. Applicant/recipient requests assistance for them; and

1. Request made on application/redetermination form.

2. He/she is providing an essential service.

2. Determine, based on evidence provided by applicant/recipient, that no other individual in the unit can provide such service. All such decisions must be reviewed by Eligibility Supervisor.

3. Living in home; and

3. Telephone or city directory. Contact with landlord, public housing.

4. Are not receiving SSI or AG.

4. Agency knowledge.

5. Are in need; and

5. Same as for caretaker who is not parent.

6. Are citizens of the U. S. or an eligible alien as defined in Section 201.7 A.

6. Establish as for caretaker.

7. Meets other eligibility requirements for EWBs.

7. See Section 302.6.F.

Facts to be Established

Substantiation and Procedures

Resources - Repealed effective December 1, 2003.

Facts to be EstablishedSubstantiation and ProceduresVI. STANDARD OF ASSISTANCE
IN TANFA. Standard of Assistance
(304.1)

Number of persons
In assistance unit
In (302.2)

B. Total Allowable Individual
Need
(304.2)

1. Amount allowed for
needs of one individual
in AU.

VI. STANDARD OF ASSISTANCE IN
TANFA. Standard of Assistance

Identify locality group from
Appendix 1 to Section 304.

Use figure for number of persons
in AU for appropriate locality
group from Appendix 2 to Section
304.

For agencies meeting the standard
of need, use appropriate figure
from Appendix 2 to Section 304.

B. Total Allowable Individual
Need

1. Divide the appropriate
standard of assistance by
the number of persons in
the AU to determine the
prorata share of each
person in the unit. This
prorata share is the total
allowable individual need.

Facts to be EstablishedSubstantiation and Procedures

must send a Notice to Client of Action advising the recipient of the increase in the unit's Hold Harmless payment amount.

2. If the amount of the following month's payment is less than the current month's payment, the worker must send an Advance Notice of Proposed Action advising the recipient of the decrease in the unit's Hold Harmless payment amount.

Facts to be EstablishedSubstantiation and ProceduresVII. INCOME

- A. Earned Income (305.3)
1. Earned Income Totally Disregarded
- a. **Individuals receiving payments under the Workforce Investment Act of 1998 (WIA).**
- b. Eligible child who is a full-time student or a part-time student **and employed.**
- c. Student Status
- A child is considered a student if enrolled in an elementary, secondary, or secondary level vocational or technical program of study or training leading to a certificate diploma, or degree.
- If verified to be a student the child's status continues during official vacation.
2. Determination of gross earned income and/or profit from wages, salaries, commissions and/or tips.

VII. INCOME

All income, earned or unearned, must be counted in determining need except that which is totally disregarded. Also, the amount of all income, earned and unearned, must be verified; however, if the income is disregarded, only the source must be verified.

- A. Earned Income
1. Earned Income Totally Disregarded
- a. Disregard **WIA** earnings in the 185% screen, determination of need and grant computation.
- b. Student status established under c. below. Disregard all earnings of full-time student and of part-time student, in the grant computation.
- Exception: Full-time student earnings must also be disregarded in 185% screening.
- c. Student Status
- Verify with school if child is enrolled as a full-time or part-time student.
- Note: An 18 year old eligible child is considered a full-time student.
2. Determination of gross earned income and/or profit from wages, salaries, commissions, and/or tips.

Facts to be EstablishedSubstantiation and Procedures

- | | |
|--|--|
| a. Wages, salaries and commissions | a. Verify by: |
| | (1) Pay Stubs |
| | (2) Pay Envelopes |
| | (3) Written statement from employer obtained by client |
| | (4) Written or verbal statement from employer obtained by E.W. |
| b. Tips | b. If client is employed in an occupation in which tips are a part of the monthly gross earnings, he/she will be required to keep a weekly record of such income and report to the local agency in accordance with reporting requirements. |
| c. Profit from self-employment | c. To determine profit from self-employment |
| (1) If income is from property, is it produced by individual's own efforts, or does he carry Managerial responsibilities? If | (1) Establish through worker's observation and discussion with client of his activity. Income from rent or room and Board is not earned income unless the |

Facts to be EstablishedSubstantiation and Procedures

either, it is considered earned income from self-employment; if not, it is unearned income. See Section [VII,B.4. Other Cash Income](#) when this income is determined to be unearned.

activity engaged in is a business enterprise.

(2) Amount of gross income received

(2) Verify by - Self-employment bookkeeping records

(3) Amount of business expense from (to be deducted from gross income to determine profit).

(3) Verify as above and deduct gross income to determine profit. Exceptions: In the following situations, profit is determined by specified formulas:

(a) Board

(a) Profit is monthly gross income from boarders, less food allowance for one person living in a group (at 100%) per boarder. (Table 1, [Appendix 2](#), Section 305).

(b) Room Rent

(b) Profit is 65% of monthly gross income received if heat is furnished, 75% of gross income if heat is not furnished.

(c) Room and Board

(c) Make deduction for boarder(s) as in (a). Then apply formula in (b) to balance.

(d) Children in family day care

(d) When this service is provided in client's home to children other than those living in the same home, deduct from the average monthly gross income received in the budget month the cost of meals and snacks that are provided during the period the income was earned. Allow 40¢ per meal per day. Determine the number of days in the period in which the income was earned in which meals are provided for each child. Add to obtain the total number of meals provided during the period and multiply by 40¢ to obtain the monthly cost of meals

This computation for snacks and meals applies only to children being provided day care outside the home in which they live. No deductions for snacks and meals are to be given for children receiving day care in their own home.

Facts to be EstablishedSubstantiation and Procedures

provided for all children. The total monthly cost of snacks is computed by the same method as meals with 20¢ allowed for each snack.

Add the total monthly costs of meals and snacks to obtain the total cost of food provided.

Deduct this monthly cost of food from the total income anticipated for day care during the payment month.

Sixty-five percent of the balance is considered as profit from day care.

3. Determination of Assistance Payment.

3. Once the individual has been found eligible for an assistance payment, determination of net income to be used in computing the assistance payment is as follows:

a. Total monthly gross income.

a. Use the anticipated total monthly gross earnings and/or profit.

b. Earned Income Disregards.

b. Deduct from gross earnings/profit in the following order:

1) The standard deduction for **the assistance unit.**

2) **20% of the remainder.**

3) For purposes of determining initial eligibility, anticipated cost of incapacitated adult/child care, not to exceed \$175 for full-time employment or \$120 for part-time employment, for each child/incapacitated adult in the assistance unit or if the child is under 2, deduct anticipated costs not to exceed \$200, for full-time employment. For determining the amount of the

Facts to be EstablishedSubstantiation and Procedures

payment, deduct same as above for adult care. Child care disregards apply only when the applicant/recipient chooses the disregard.

Facts to be EstablishedSubstantiation and ProceduresB. Unearned IncomeB. Unearned Income1. Disregards:1. Disregards:

All unearned income specified in Section 305.4.A. is disregarded.

Disregard all unearned income in this section.

Facts to be EstablishedSubstantiation and ProceduresB. Unearned Income

d. Veterans benefits for educational purposes of individual 18 or older.

2. Social Security and Other Benefits - (305.4.B.)

Amount of monthly benefits received except as shown in a. and b. (below).

d. (1) Verify by award letter **or benefit payment check.**

(2) Verify if the VA Educational Grant is the individual's only source of assistance for education. If VA is the individual's only source of assistance for education, disregard the allotted amount of the benefit for that individual. No further verification is required.

(3) If the individual is also a recipient of a grant, loan, or scholarship, and it is verified that the VA benefit is used to help purchase one or more of the following items, the entire allotted amount of the benefit for that individual is disregarded: Tuition, books, fees, equipment required by the school, transportation to and from school if more than one mile away, or child care services if necessary for school attendance.

2. Social Security and Other Benefits (VA, Black Lung, RR Retirement, Unemployment Compensation, Workmen's Compensation, etc.)

Verify by:

Documents in client's possession -
Award letter or notice
Benefit payment check

Other sources -

Social Security Administration
(Form 1610 OR TPQY QUERY
RESPONSE)

Veteran's Administration
RR Retirement Board
UMW Union

Va. Employment Commission
Workmen's Compensation Board
Insurance Company or Fraternal
Organization
Confederate Pension Board

Facts to be EstablishedSubstantiation and Procedures

a. If caretaker-relative appears eligible for reduced RSDI or RR Retirement benefits prior to age 65, must count amount of reduced benefits, even though may choose not to accept.

b. Count amount being received as income except when the Medicare Part B premium is deducted from the Social Security or Railroad Retirement benefits.

When the premium for Medicare Part B is being deducted, that amount must be added to the actual amount of benefit being received.

If benefits are actually being paid, count amount received monthly. If client states no benefits are being received, do a routine check with SSA, if either parent is deceased or disabled. Do other routine checks if information given by client indicates possible eligibility for RSDI or other benefits and, if not receiving benefits, assist client in exploring eligibility for them. Assistance must be granted pending such exploration if eligibility is otherwise established.

a. (1) Request caretaker-relative to apply. Do not count until (a) reduced benefits are received or (b) amount of entitlement is determined, but caretaker chooses not to accept.

(2) If caretaker-relative refuses to apply and amount of entitlement cannot be determined, need cannot be established.

b. Verify entitlement amount by:

(1) Award Letter, when the individual is eligible for Medicare Part B at the same time eligibility for benefits is determined. Usually this happens at age 65; or,

(2) Notice when the individual later becomes eligible for Medicare, usually in disability cases that have been eligible for benefits for 24 months; or

(3) **SVES using information on Response Screen 3; or**

(4) **MMIS, using information on the DMAS Eligibility TPL Information screen.**

Facts to be EstablishedSubstantiation and Procedures3. Support from Relatives
(305.4 E)a. TANF Parent in home.

(1) Is in AU.

(2) Parent not in AU if -

(a) Receives SSI or AG.

(b) Does not meet citizenship or alienage requirements.

3. Support from Relativesa. TANF Parent in home.

Income assumed to be available as follows:

(1) Parent of ADC children in AU. All his/her countable income counted.

(2) Parent omitted from AU (see Section IV B. for determination).

(a) None of his/her income is counted.

(b) Apply deeming income formula as specified in Section 305.4F.

Facts to be EstablishedSubstantiation and Procedures

(c & d) Parent has been sanctioned for failure to participate in ESP or has failed/refused to assist in determining paternity, or securing child support, or apply for or provide a SSN to the agency.

b. Spouse of ADC caretaker (who is not the parent of the eligible children) living in the home, when ADC caretaker is in the A.U.

c. Other relatives

Anticipated support received from legally responsible relatives and from non-responsible relatives.

(c & d) Parent's anticipated gross earned income is counted.

b. When ADC caretaker has a spouse living in the home and the spouse is unable to support her fully, any income of the spouse in excess of his needs and the needs of their other dependents is assumed to be available to the ADC caretaker, as determined by procedures shown in Section [IV.B.2](#). Income of a spouse is verified as is any other income.

c. Other relatives

Verified by:

Receipts or cancelled checks in the relative's possession.

Facts to be EstablishedSubstantiation and Procedures

Court records.

Statement from: (1) person making contribution: or (2) a third party if all else fails.

Legally responsible relatives are:

Parent (including putative father, if known) of eligible children.
spouse of eligible caretaker.

Legally responsible relatives, if whereabouts are known, must be contacted if living in community or contacted by mail if living elsewhere, except that, if there is no evidence that relative is contributing and there is substantial evidence that personal contact with the relative might result in danger to the family or the worker, this step may be omitted. In such cases, the case record must document the reasons for such omission.

Facts to be EstablishedSubstantiation and Procedures

Cohabitant living in the home with ADC parent and children.

c. Refunds, from the Division of Child Support Enforcement, of over-collected child support identified as closed case refunds and support paid in excess of public assistance.

4. Other Cash Income

This includes all other cash income received. Principal sources would be:

a. Rental of property, or rooms, or board paid, when client is not engaged in a business enterprise or actively involved in management.

Consider as income the actual or anticipated amount of contribution received by the applicant/recipient. Support payments received prior to the date that the case approval is keyed into VACIS are to be considered as income to the assistance unit. After the case has been approved, the support must not be counted, but redirected to DCSE. The \$50 disregard is only to be applied in calculating the initial month's payment(s) if it is anticipated that \$50 will not be collected by DCSE subsequent to case approval.

If court-ordered support payments are made directly to the Division of Child Support Enforcement, they are counted as a refund to ADC and not counted as income in computing amount of assistance.

Agency's responsibility to secure support from legally responsible relatives described in Chapter 600.

Consider as income the actual or anticipated amount of support or contribution received by the applicant/recipient for the children. This amount is to be counted as income in computing amount of assistance.

c. Verify by using the appropriate Warrant Register provided by DCSE.

4. Other Cash Income

Count actual or anticipated amount (net, if cost involved as income).

a. Verify anticipated income by - Document in client's possession Statement of tenant or boarder.

Verify anticipated cost by - Tax receipt, for property owned. Where rooms are rented, count as income: 65% of total received if fuel is furnished by client. 75% of total received if fuel is not furnished by client.

Facts to be EstablishedSubstantiation and Procedures

For boarder, count total received, less the standard food allowance for one son at 100% per boarder (Table 1, Appendix 2, Section 305). For roomer boarder, deduct the standard food allowance for one person at 100% per boarder (Table 1, Appendix 2, Section 305), and apply room rental procedure to remainder.

Total amount received, less cost, is income to be counted.

b. Contributions from other agencies or organizations.

b. Verify amount and purpose of contribution through contact with other agency.

Count in amount received except disregard contribution made for a special needs item not included in the Standard of Assistance.

c. All other cash contributions.

c. Verify -
Papers in client's possession.
Statement of person contributing.
Count in amount received, except that occasional or unpredictable contributions are not counted.

d. Home energy assistance (cash payments)

d. Verify amount and purpose of payment through contact with provider business or organization. Count amount received. However, if payment was received by a household that includes individuals other than the **TANF** AU, including SSI recipients, only the **TANF** AU's pro rata share, based on total number of persons in household, is to be counted.

e. **Interest in excess of \$10 a month. (Interest payments less than \$10 a month are disregarded.)**

e. Count as income in the month received or anticipated to be received. Verify amount anticipated/received by documents in customer's possession or through contact with the financial institution where the account or other financial instrument is located.

5. Income designated for the sole use and benefit of a child who is not required to be in the assistance unit.

Do not count any of this income in determining amount of assistance for the assistance unit, if the child is not eligible because: 1) he received a lump sum payment; 2) he is a SSI recipient; 3) he does not meet citizenship/alienage requirements; 4) he is married; 5) is not categorically eligible. If the child is excluded from the unit because verification of categorical requirements has not been provided or because he fails to meet conditions of eligibility, his income will be considered available to the remaining assistance unit members in its entirety. Income of the excluded child must be verified. If the agency is not able to verify the excluded child's income, eligibility for the remaining assistance unit members cannot be determined.

Facts to be EstablishedSubstantiation and ProceduresA. ESP/VIEW REFERRAL

1. All applicants/recipients must be referred for participation in ESP **or VIEW** as a condition of eligibility unless the individual is exempt.

A. ESP/VIEW REFERRAL

- 1a. The local worker must determine if the applicant/recipient is exempt or non-exempt from participation prior to the initial approval, at redetermination, when adding an individual to the assistance unit, or when a change in the individual's situation would affect his/her ESP **or VIEW** status. Such determination must be recorded in the case record. See Section 201.11.B. and 901.2 the exemption criteria.
- b. Individuals who lose their exemption status must be referred to ESP **or VIEW** in the month in which the exemption status is verified. The worker must provide all applicants/recipients with the ESP explanatory pamphlet and the "Employment Services Program - Rights and Responsibilities" pamphlet **or the VIEW Program pamphlet** and with a verbal explanation of the requirements of ESP **or VIEW**.

Note: Exempt persons whose youngest child turns three **or 18 months** will be sent a computer-generated notice by the fifth of the month in which the child turns three **for ESP and 18 months for VIEW**.

- c. Individuals will be referred to ESP **or VIEW** via appropriate VACIS coding.
- d. Individuals must be referred to ESP **or VIEW** each time their status changes from exempt to non-exempt. Additionally, individuals being added to the assistance unit must be referred at the time their needs are included in the grant.

Facts to be EstablishedSubstantiation and ProceduresB. REFERRAL TO ESP UNIT

1. Initial Referral

- a. Refer non-exempt applicants upon approval

- b. All applicants, exempt and non-exempt, must be advised of the right to participate in a voluntary applicant job search. Note: Participation in applicant job search is not a condition of eligibility.

2. Subsequent referrals must be made when a sanction period ends; when a recipient's status changes from exempt to non-exempt; when a non-exempt individual is added to an existing assistance unit; or , when an individual is included in a case that is reopened without a new application.

B. REFERRAL TO ESP UNIT

1. Initial Referral

- a. Applicants

The referral will automatically be generated to the ESP unit via the appropriate coding in VACIS for each non-exempt individual at the time of application approval.

- b. Voluntary applicant job search.

This referral will be in accordance with agency procedures for service referrals when participation is requested by the applicant.

- c. Additions to Assistance Unit

The referral will automatically be generated to the ESP unit at the time action is taken in VACIS to add a non-exempt individual to the assistance unit via the appropriate VACIS coding.

2. Subsequent Referrals

A referral will automatically be generated to the ESP Worker at the time the eligibility worker inputs the change in the ESP status code and the referral month/year.

Facts to be EstablishedSubstantiation and ProceduresC. RIGHTS AND RESPONSIBILITIES

1. All individuals must be informed of the availability of program activities, the supportive services for which they are eligible, and the individual's responsibilities regarding participation in ESP.

2. Non-exempt individuals who become exempt

C. RIGHTS AND RESPONSIBILITIES

1. The local worker is to provide the following information to all exempt persons:
 - a. That they may voluntarily participate in employment services under ESP;
 - b. Their option to withdraw from participation at any time without loss of ADC, provided their status has not changed in such a way as to require participation;
 - c. Their responsibility to report any changes affecting their exemption status; and,
 - d. The day care services which may be available in the event they volunteer.
 - e. The option to participate in a voluntary applicant job search program.
2. When a non-exempt individual becomes exempt, the EW is responsible for advising the recipient of:
 - a. His/her status change; and,
 - b. His/her right to continue participating in ESP as a volunteer, including the rights and responsibilities of the volunteer as explained in Item C.1. above.

Facts to be EstablishedSubstantiation and Procedures3. **Non-Exempt Individuals**

3. The local worker is to:

- a. Inform **non-exempt individuals** of the requirement to participate in ESP;
- b. Inform **non-exempt individuals** of the **supportive services** available, including child care and transitional child care and extended Medicaid benefits;
- c. Inform **non-exempt individuals** of the penalties for refusing/failing to meet the participation requirement, without good cause; and
- d. Inform **non-exempt individuals** regarding what constitutes good cause for refusing/failing to participate in ESP.
- e. Inform **all individuals** of the **option** to participate voluntarily in applicant job search.

4. **Exempt individuals who become non-exempt**

4. A computer-generated letter will be sent to **all exempt individuals** at the time the individual's ESP status in VACIS is updated from exempt to non-exempt. The letter will explain:
 - a. His/her status change to **non-exempt**; and,
 - b. His/her rights and responsibilities as outlined in C.3. above.

Facts to be EstablishedSubstantiation and ProceduresD. NOTIFICATION OF CHANGES

1. The **ESP Worker** will be notified of any eligibility determination which may affect an individual's ESP status.

3. The eligibility worker will be notified by the **ESP Worker** via a computer-generated document, of the following changes:

D. NOTIFICATION OF CHANGES

1. When any of the following changes are coded in the computer by the EW, the **ESP Worker** will automatically receive a computer-generated document which described the action taken.
 - a. Case is closed or a registrant is deleted from a case;
 - b. Obtaining employment;
 - c. Losing employment;
 - d. Change in exemption status (this change must be input by EW **in the month in which the status is verified**);
 - e. Case is being transferred out;
 - f. Case being accepted or denied on a transfer in;
 - g. Adding previously sanctioned person; or,
2. The EW must manually notify the **ESP Worker** of the following changes:
 - a. change of address;
 - b. a sanctioned individual secures employment of 30 hours or more per week;
 - c. a non-exempt individual who was working 30 hours or more per week quits her job.
3. When such a notice is received, the eligibility worker will:

Facts to be EstablishedSubstantiation and Procedures

- | | |
|---|--|
| <p>a. A non-exempt individual has secured or will be securing employment;</p> <p>b. A non-exempt individual has requested reevaluation of his/her exemption status; and,</p> <p>c. A non-exempt individual has failed to comply, without good cause, with ESP requirements, is to be sanctioned.</p> | <p>a. Secure income verification and impact the assistance payment according to Section 305;</p> <p>b. Within 30 days, re-evaluate the exemption status and notify the ESP Worker of the result of the evaluation. Update the VACIS codes or notify the ESP Worker, manually, if the ESP status remains the same.</p> <p>c. The eligibility worker will sanction the individual as follows:</p> <p>(1) If the individual is a caretaker/relative receiving ADC, his/her needs will not be taken into account in determining need for the assistance unit and assistance will be provided for the remaining AU members in the form of protective or vendor payments unless the local agency cannot, after reasonable efforts, locate an appropriate individual to act as protective payee. If a protective payee cannot be located, the payment will continue to be received by the applicant/recipient. Document case record regarding efforts to locate a protective payee.</p> |
|---|--|

Facts to be EstablishedSubstantiation and Procedures

- (2) If the individual is one of several dependent children, his/her needs will not be taken into account in determining need for the assistance unit; or,
- (3) If the individual is the only eligible child in the family, the case will **remain open with only the caretaker(s) needs included in the assistance unit.**
- (4) Once an individual has been sanctioned, his/her needs cannot be included in the assistance unit until **the ESP worker advises to remove the sanction, unless they become exempt and their minimum sanction has passed.**

X. NONCOOPERATION AND GOOD CAUSE

A. As a condition of eligibility, a client, including a minor parent, must cooperate in efforts to secure support and establish paternity.

B. An applicant/recipient may claim to have good cause for not cooperating in such efforts, if the client believes that due to circumstances (listed below), cooperating would be against the best interests of the child.

One or more of the following must exist and must be substantiated by clear and convincing written evidence:

- 1) It can be reasonably anticipated that cooperation will result in physical or emotional harm to the child or caretaker; or,
- 2) Child was conceived as a result of incest or forcible rape; or,
- 3) Legal adoption pending; or,
- 4) Official consideration of adoption being made, which has been in progress less than three (3) months.

A. Eligibility worker must advise applicant/recipient of this requirement.

B. Worker must advise the applicant/recipient of the right to claim good cause.

Each case record must contain a "Notice of Exception and Good Cause" form signed by the client. A copy must also be given to the applicant/recipient.

Acceptable evidence:

- 1) Law enforcement records, court records, medical records, child protective services records, psychological records, report from psychiatrist or psychologist, **or a written statement from a domestic violence program or sexual assault crisis center professional.**
- 2) Birth certificates **or** medical records or law enforcement records.
- 3) Court documents, legal papers.
- 4) Written statement from licensed or public agency.

Note: Sworn written statements are acceptable as corroborating evidence of a claim. They cannot be the only evidence of a claim. These statements may be made by neighbors, clergymen, social workers, and medical professionals who have knowledge of the circumstances.

C. Claim of good cause by an applicant or recipient.

C. Steps to follow:

- 1) The worker advises client of right to claim good cause - have client sign the Notice of Exception form. When good cause is claimed in an active **AFDC** case, the worker must **enter the information in the MAPPER 501 system** to advise that a claim is pending. (**DCSE** will suspend pursuit activities).
- 2) EW makes a determination based on the evidence by following the procedures outlined in D. below.
- 3) Make determination.
- 4) Notify the client of the determination by manual use of Notice to Client of Action form.

D. Making the determination which will be one of the following:

Good cause does not exist, or, good cause exists, **DCSE** may not proceed.

D. Determination process

- 1) Worker decides if the claimed circumstance exists based on the evidence.
- 2) If it exists, in order to exempt client from cooperating, worker must determine that to require cooperation would be against the best interest of the child in view of the existing circumstance. (The fact that the circumstance exists does not automatically mean that good cause exists). Document case record.

E. Notification of the determination. E.

The worker must notify the (1) client and, (2) DCSE of the determination.

- 1) When the worker has made the determination that good cause does or does not exist, the client must be notified by manual use of the Notice of Action. If good cause is determined not to exist, the notice must specify this, and the client must be allowed the opportunity to withdraw or request termination of assistance.
- 2) All good cause determinations must be referred to DCSE for their review and comment by entering the information in the MAPPER 501 system. If a good cause claim is pending when an AFDC case is approved, enter the information in the MAPPER 501 system, and update the code when the determination is made.

F. Time Frame for Good Cause Claims

- 1) Client must supply the evidence to the agency within 20 days from the day the good cause claim is made.

F. Time Frames

- 1) If the client does not supply the evidence within 20 days, the agency will make the determination that good cause does not exist, with the following exception: An extension of the 20 days may be granted by the agency, if the client has informed the agency of difficulty in obtaining the evidence. Case record must be documented.

SUBSTANTIATION AND PROCEDURESFACTS TO BE ESTABLISHED

- 2) The determination must be made within **30 days following the date of TANF application.**

- 2) The agency may extend the time standard only in cases in which the case agency needs additional time due to difficulty in obtaining the evidence. This must be documented in the case record.